

AN ORDINANCE

99525

AUTHORIZING THE AMENDMENT OF SECTION 4 OF THE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT AGREEMENT BETWEEN THE TEXAS MILITARY PREPAREDNESS COMMISSION AND THE CITY OF SAN ANTONIO EXTENDING THE COMPLETION DATE OF THE RAIL LINE PROJECT FROM JUNE 30, 2004 TO AUGUST 16, 2004; AMENDING SECTION 3 OF THE DEFENSE ECONOMIC ADJUSTMENT ASSISTANCE GRANT AGREEMENT BETWEEN THE CITY OF SAN ANTONIO AND THE GREATER KELLY DEVELOPMENT AUTHORITY TO EXTEND THE COMPLETION DATE OF THE RAIL LINE PROJECT FROM JUNE 30, 2004 TO AUGUST 16, 2004.

\* \* \* \* \*

**WHEREAS**, the City Council of the City of San Antonio through the passage of Ordinance 96125 authorized the execution of a Defense Economic Adjustment Assistance Grant ("DEAAG") Agreement between the City of San Antonio (the "City") and the Texas Military Preparedness Commission ("TMPC") in the amount of \$157,000 for the construction of a rail infrastructure project (the "Project") at KellyUSA; and

**WHEREAS**, in the same Ordinance the City Council also authorized a DEAAG grant agreement between the City and the Greater Kelly Development Authority ("GKDA") in the amount of \$157,000 for the administration and construction of the Project; and

**WHEREAS**, each agreement contained a project completion date of June 30, 2004; and

**WHEREAS**, although the basic Project has been completed, an unanticipated requirement of a safety device preventing rail cars from backing into tracks utilized by Union Pacific has delayed the certification of the Project as complete; and

**WHEREAS**, all other activities have been completed in compliance with the terms of the Agreement and the TMPC and City have agreed to grant an extension of 47 days to complete the Project; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** An amendment to the DEAAG Grant Agreement between the TMPC and the City to extend the completion date of the Rail Line Project from June 30, 2004 to August 16, 2004, is hereby authorized.

**SECTION 2.** An amendment to the DEAAG Grant Agreement between the City and GKDA to extend the completion date of the Rail Line Project from June 30, 2004 to August 16, 2004, is hereby authorized.

**SECTION 3.** The City Manager or a designee is hereby authorized for 60 days following the effective date of this ordinance to execute amendments to the DEAAG grant agreement between the TMPC and the City and the DEAAG grant agreement between the City and GKDA as described above. Copies of the amendments substantially in their final form are hereby attached as Attachment 1 and 2 and made a part of this ordinance.

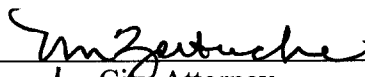
**SECTION 4.** This ordinance shall be effective on and after the tenth (10th) day after passage hereof.

PASSED AND APPROVED this 5th day of August 2004.

  
M A Y O R  
EDWARD D. GARZA

ATTEST:   
City Clerk

APPROVED AS TO FORM: \_\_\_\_\_

  
for City Attorney